

**NOWELL AMOROSO KLEIN BIERMAN, P.A.**  
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**Attorneys for Defendant Schneider National Carriers, Inc.**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

TATIANA ENRIGHT AND VICTOR HONORABLE  
KABACHNIK, h/w

Plaintiffs,

v.

JOHN DOE and SCHNEIDER NATIONAL  
CARRIERS, INC.

Defendants.

CIVIL ACTION NO.:

**NOTICE OF REMOVAL**

TO: Honorable Judges  
of the United States District Court  
for the District of New Jersey

Pursuant to 28 U.S.C. §1446, Defendant Schneider National Carriers, Inc. improperly pleaded as Schneider National Carriers (hereinafter “Defendant Schneider”) hereby gives notice of removal of the above-captioned case from the Superior Court of the State of New Jersey, Law Division, Middlesex County, to this court, and in support thereof, respectfully states the following:

1. An action entitled Tatiana Enright and Victor Kabachnik, h/w, v. John Doe and Schneider National Carriers, Inc., Docket No.: MID-L-005110-04 was commenced in the Superior Court of New Jersey, Law Division, Middlesex County. A copy of the summons and a copy of the complaint are attached hereto as **Exhibit “A.”** The summons and complaint annexed hereto constitute all process,

pleadings and orders served to date in this action.

2. Based upon the attached confirmation of postal delivery and "received" stamp affixed by Schneider on the summons upon receipt, the earliest Defendant Schneider received the summons and complaint was August 6, 2004. That was the first time that Defendant Schneider received a copy of the complaint by any means.

3. The complaint constitutes the initial pleading setting forth the plaintiffs' alleged claims for relief.

4. The controversy concerning Plaintiff's alleged motor vehicle accident on July 24, 2003 presents questions over which this court has original jurisdiction under 28 U.S.C. §1332, as (a) diversity of citizenship between the parties exists as plaintiffs reside in either Jackson, New Jersey (based on the police report) attached as **Exhibit "B"** or Newtown, Pennsylvania, (based upon the complaint) and Defendant Schneider is a citizen of a state other than New Jersey (Schneider National Carriers is a Nevada Corporation) which also does business in Wisconsin, and (b) the matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00 in that it concerns bodily injuries of an undisclosed amount but based upon the allegations by plaintiff of serious and permanent physical injuries, prevention from his ordinary business and claim for future medical expenses set forth in the complaint, appears to be a claim where plaintiff will allege that there is greater than \$75,000.00 in damages.

5. This notice of removal is filed in this court within 30 days after receipt of a copy of the initial pleading, by Defendant Schneider, setting forth a claim for relief upon which the action is based, and therefore, the time for filing this notice under the provisions of 28 U.S.C. §1446(b) has not expired.

6. Written notice of the filing of this notice will be given, forthwith, to plaintiffs, Tatiana Enright and Victor Kabachnik through his counsel.

7. A true and correct copy of this notice will be filed with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County.

8. The undersigned represents all previously served defendants to this action and has the consent of defendant for this removal.

For the reasons set forth above, Defendant Schneider National Carriers Inc. hereby removes this action from the Superior Court of New Jersey, Law Division, Middlesex County, to this Court.

**NOWELL AMOROSO KLEIN BIERMAN, P.A.  
Defendant Schneider National Carriers, Inc.**

By: /s/ Michael J. Palma  
Michael J. Palma (0317)

Dated: August 26, 2004